

HOUSE BILL No. 1425

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-105; IC 9-21-21; IC 9-29-5-13.5.

Synopsis: Various vehicle matters. Provides that a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of seasonal, perishable fruit or vegetables to the first point of processing for not more than one 30 day period in a registration year. Revises the definition of "motor vehicle" for purposes of persons required to be licensed to engage in the business of buying or selling motor vehicles and their unfair practices to include semitrailers. Makes a conforming amendment. Corrects an internal cross-reference.

Effective: Upon passage; July 1, 2007.

Austin, Grubb, Cherry, Friend

January 16, 2007, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1425

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-105, AS AMENDED BY P.L.210-2005,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 105. (a) "Motor vehicle" means, except as
4 otherwise provided in this section, a vehicle that is self-propelled. The
5 term does not include a farm tractor, an implement of agriculture
6 designed to be operated primarily in a farm field or on farm premises,
7 or an electric personal assistive mobility device.
8 (b) "Motor vehicle", for purposes of IC 9-21, means:
9 (1) a vehicle except a motorized bicycle that is self-propelled; or
10 (2) a vehicle that is propelled by electric power obtained from
11 overhead trolley wires, but not operated upon rails.
12 (c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25,
13 means a vehicle that is self-propelled upon a highway in Indiana. The
14 term does not include a farm tractor.
15 (d) "Motor vehicle", for purposes of IC 9-30-10, does not include a
16 motorized bicycle.
17 (e) **"Motor vehicle", for purposes of IC 9-23-2 and IC 9-23-3,**

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1 **includes a semitrailer.**

2 SECTION 2. IC 9-21-21-3, AS ADDED BY P.L.210-2005,
3 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 3. Except as provided in section 4 of this
5 chapter, if the owner of a farm truck, farm trailer, or farm semitrailer
6 and tractor described in section 1 of this chapter begins to operate the
7 farm truck, farm trailer, or farm semitrailer and tractor or permits the
8 farm truck, farm trailer, or farm semitrailer and tractor to be operated:

9 (1) in the conduct of a commercial enterprise; or

10 (2) for the transportation of farm products after the commodities
11 have entered the channels of commerce during a registration year
12 for which the license fee under IC 9-29-5-13 has been paid;

13 the owner shall pay the amount computed under ~~IC 9-29-5-13.5(c)~~
14 **IC 9-29-5-13.5(b)** due for the remainder of the registration year for the
15 license fee.

16 SECTION 3. IC 9-21-21-4, AS ADDED BY P.L.210-2005,
17 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 4. Notwithstanding section 3 of this chapter
19 and IC 9-18-2-4, ~~the owner of~~ a farm truck, farm trailer, or farm
20 semitrailer and tractor described in section 1 of this chapter ~~or an~~
21 ~~employee or family member of the owner may operate the truck, trailer,~~
22 ~~or semitrailer and tractor be operated~~ intrastate for the transportation
23 of seasonal, perishable fruit or vegetables to the first point of
24 processing for a period of not more than one (1) thirty (30) day period
25 in a registration year established by IC 9-18-2-7. Before a vehicle may
26 be operated as provided in this subsection, the owner shall pay to the
27 bureau:

28 (1) the license fee due under IC 9-29-5-13(b); and

29 (2) eight and one-half percent (8.5%) of the license fee paid under
30 IC 9-29-5-13(b);

31 for the farm truck, farm trailer, or farm semitrailer and tractor. The
32 bureau shall adopt rules under IC 4-22-2 to authorize the operation of
33 a farm truck, farm trailer, or farm semitrailer and tractor in the manner
34 provided in this subsection.

35 SECTION 4. IC 9-21-21-5, AS ADDED BY P.L.210-2005,
36 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 5. In addition to the penalty provided in
38 section 7 of this chapter, **and except as provided in section 4 of this**
39 **chapter**, a person that operates a vehicle or allows a vehicle that the
40 person owns to be operated when the vehicle is:

41 (1) registered under this chapter as a farm truck, farm trailer, or
42 farm semitrailer and tractor; and

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(2) operated as set forth in section 3 of this chapter;
 commits a Class C infraction. However, the offense is a Class B
 infraction if, within the three (3) years preceding the commission of the
 offense, the person had a prior unrelated judgment under this section.

SECTION 5. IC 9-29-5-13.5, AS AMENDED BY P.L.210-2005,
 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 UPON PASSAGE]: Sec. 13.5. (a) This section applies to a truck,
 trailer, or semitrailer and tractor for which a license fee provided in
 section 13(b) of this chapter has been paid.

(b) Except as provided in subsection (d), if the owner of a truck,
 trailer, or semitrailer and tractor described in subsection (a) begins to
 operate the truck, trailer, or semitrailer and tractor in the conduct of a
 commercial enterprise or for the transportation of farm products after
 the commodities have entered the channels of commerce during a
 registration year for which the license fee under section 13(b) of this
 chapter has been paid, the owner shall pay the amount listed in this
 chapter for a truck, trailer, or semitrailer and tractor of the same
 declared gross weight reduced by a credit determined under subsection
 (c) to license the truck, trailer, or semitrailer and tractor.

(c) The credit provided in subsection (b) equals:

- (1) the license fee paid under section 13(b) of this chapter;
 reduced by
- (2) ten percent (10%) for each full or partial calendar month that
 has elapsed in the registration year for which the license fee has
 been paid.

The credit may not exceed ninety percent (90%) of the license fee paid
 under section 13(b) of this chapter.

(d) Notwithstanding subsection (b) and IC 9-18-2-4, ~~the owner of a~~
~~truck, trailer, or semitrailer and tractor described in subsection (a) or~~
~~an employee or family member of the owner may operate the truck,~~
~~trailer, or semitrailer and tractor be operated~~ intrastate for the
 transportation of seasonal, perishable fruit or vegetables to the first
 point of processing for a period that consists of not more than a thirty
 (30) day period in a registration year as provided by IC 9-21-21-4.
 Before a vehicle may be operated as provided in this subsection, the
 owner shall pay to the bureau:

- (1) any license fee due under section 13(b) of this chapter; and
- (2) eight and one-half percent (8.5%) of the license fee paid under
 section 13(b) of this chapter.

SECTION 6. **An emergency is declared for this act.**

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